

The High Court of Madhya Pradesh : Bench At Indore

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 26th OF MAY, 2022

WRIT PETITION No. 12250 of 2022

Between:-

PREETI SHARMA W/O PUSHPENDRA SHARMA ,
AGED ABOUT 40 YEARS, OCCUPATION: HOUSEWIFE
90, PRAKASH NAGAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI RISHI TIWARI, ADVOCATE)

AND

1. MUNICIPAL COUNCIL DHAR THROUGH ITS CHIEF
MUNICIPAL OFFICER LIG COLONY (MADHYA
PRADESH)
2. CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL
DHAR, LIG COLONY, DHAR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI)

WRIT PETITION No. 12252 of 2022

Between:-

SUMITRA SHARMA W/O JAGDISH CHANDRA , AGED
ABOUT 71 YEARS, OCCUPATION: RETIRED 90,
PRAKASH NAGAR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI RISHI TIWARI, ADVOCATE)

AND

1. MUNICIPAL COUNCIL DHAR THROUGH ITS CHIEF MUNICIPAL OFFICER LIG COLONY (MADHYA PRADESH)
2. CHIEF MUNICIPAL OFFICER MUNICIPAL COUNCIL DHAR, LIG COLONY, DHAR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI)

These petitions coming on for admission this day, the court passed the following:

ORDER

The petitioner has filed these petitions being aggrieved by the notice dated 25.05.2022, whereby the Chief Municipal Officer, Municipal Council, Dhar has called upon them to submit the document of ownership within 24 hours and also to remove the illegal construction, failing which the same shall be removed by the Municipal Council.

Learned counsel for the petitioner submits that before examining the documents to be submitted by the petitioner as demanded by the respondents, hence, the direction to remove the construction is not tenable. The petitioner is going to submit documents before the authorities along with an application for compounding of the illegal construction, if any, for which at least seven days' time be granted to the petitioner. Thereafter, the

respondents shall be free to take decision in accordance with law.

The prayer made by Shri Rishi Tiwari, learned counsel for the petitioner is reasonable. It is apparent from the impugned notice that only 24 hours time has been given to submit documents along with a direction to remove the construction. The petitioner is directed to submit necessary documents of the plot No.131 – 132, Prakash Nagar, Ward No.5, building permission (if any) and permission to run the medical college. After submission of the documents, the C.M.O. is directed to consider the same and pass a reasoned order. In case any adverse order is passed, 10 days further time be given to the petitioners before initiating demolition proceedings if requires.

With the aforesaid, both the Writ Petition stand disposed of.

Certified copy, today itself.

(VIVEK RUSIA)
V. J U D G E

Ravi